

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDIE TAYLOR,

Plaintiff,

CASE NO: 06-13057

vs.

DISTRICT JUDGE THOMAS L. LUDINGTON
MAGISTRATE JUDGE CHARLES E. BINDER

ALTERRA HEALTHCARE CORP.,
d/b/a Alterra Assisted Living
Services, Inc.,

Defendant.

ORDER ON PLAINTIFF'S MOTION TO COMPEL

This order is entered under the authority given to this Magistrate Judge by an Order of Reference issued by District Judge Thomas L. Ludington pursuant to 28 U.S.C. § 636(b)(1)(A).

The motion, as originally filed by the Plaintiff on May 31, 2007, sought the identity of the person hired to replace the Plaintiff, the last known addresses and phone numbers of the individuals who worked as Resident Assistants at Defendant's facility between December 1, 2005, and May 1, 2006, and the personnel records of those individuals. At oral argument, based on information gleaned from depositions taken at or very close to the end of discovery, Plaintiff is now seeking the identities and phone numbers of the Resident Assistants who worked at the facility for the period identified earlier and their attendance records for that same time period.

On March 29, 2007, Judge Ludington granted a motion to extend discovery (Dkt. 19). He extended discovery to May 31, 2007, the day on which counsel for Plaintiff filed this motion. Counsel states that the need for the information sought in this motion became clear to him after depositions scheduled very late in the discovery process. He also candidly admits that he could have realized the importance of this information and sought it sooner.

While I appreciate counsel's candor, I cannot escape the fact that my Order of Reference is limited only to this motion. Now that discovery has closed, were I to grant any of the relief requested, it would necessarily reopen discovery. I therefore have no authority to grant the relief requested by Plaintiff, as it would alter the schedule previously set by an extension earlier approved by Judge Ludington. Furthermore, were I to grant the motion it would impact Judge Ludington's consideration of the pending Motion for Summary Judgment, something I cannot and will not do. For these reasons, Plaintiff's motion is **DENIED**.

Review of this order is governed by 28 U.S.C. § 636(b)(1), FED. R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ *Charles E Binder*

CHARLES E. BINDER
United States Magistrate Judge

Dated: June 29, 2007

CERTIFICATION

I hereby certify that this Order was electronically filed this date, electronically served on Mandel Allweil, Paul Bateman and Charles DeWitt, Jr., and served on District Judge Ludington in the traditional manner.

Date: June 29, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder